

Remarks

Claim 11 as originally filed recites “pinging a router on a path to the server to determine if the router is a reliable connection component”. In the pending Office Action, claim 11 was rejected based on the assertion that Zisapel (U.S. Patent No. 6,665,702) teaches this step in col. 3 lines 23-35 and col. 4 lines 45-52. However, the cited portions of Zisapel teach polling a “requestor” which is a server, not a router. See, e.g., Zisapel col. 5 lines 1-7, col. 6 lines 30-47, col. 7 lines 46-56, col. 9 lines 13-25 (“receiving replies *from the remote server* computer corresponding to the polling requests”) (emphasis added). See also Zisapel’s abstract (“sending polling requests through a plurality of routes from a computer network *to a remote server* computer, receiving *replies from the remote server* computer corresponding to the polling requests”) (emphasis added). Zisapel also discusses pinging a client; see, e.g., col. 14 lines 46-65.

Note that Zisapel uses pinging in a narrow sense, as merely one example of the broader concept “polling”. See, e.g., col. 9 lines 33-35. The term “pinging” as used in Applicant’s claims is broader, more akin to Zisapel’s “polling”, as the Office recognizes. Nonetheless, Zisapel’s disclosure of polling is not so broad as to encompass the polling of *routers*.

If it had been obvious to ping or poll a router, then Zisapel would have recognized that and stated as much. After all, Zisapel did move beyond the idea of pinging servers, by recognizing and describing approaches that include pinging clients. But Zisapel fails entirely to teach pinging or polling a router, as opposed to pinging or polling a server or a client.

All of Applicants’ claims now pending include a limitation that requires pinging (polling) a router. The limitations are expressly stated in the independent claims, and they are included in the corresponding dependent claims by virtue of their dependence from the limited independent claims.

Conclusion

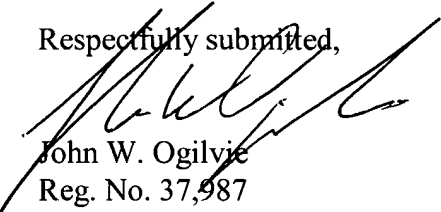
In view of the above, Applicants respectfully submit that each of pending claims is patentable. Applicants appreciate the detailed analysis that has been provided by the Office. The fact that this Amendment is silent as to any particular assertion or assumption does not indicate Applicants' agreement with that assertion or assumption. Applicants expressly reserve all arguments not made here, and all claims not presented here.

In the event any questions remain, the undersigned invites a telephone conference at the Office's first convenient opportunity.

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Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the correspondence listed below is being deposited with the United States Postal Service as First Class Priority Mail, postage paid, on April 26, 2005, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

Amendment; Petition for 2-month Extension;

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